

22062. Adulteration and misbranding of butter. U. S. v. 20 Pounds of Butter. Default decree of destruction. (F. & D. no. 32623. Sample no. 60872-A.)

This case involved a shipment of butter that was low in milk fat and was also spoiled and unfit for human consumption.

On March 23, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 pounds of butter at Cincinnati, Ohio, consigned about March 18, 1934, by S. M. Roberson, from Fullerton, Ky., alleging that the article had been shipped in interstate commerce from the State of Kentucky into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "From S. M. Roberson Address, Fullerton, Ky."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy animal substance.

Misbranding was alleged for the reason that the article was sold under the distinctive name of another article, butter.

On March 26, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22063. Adulteration of canned shrimp. U. S. v. 363 Cases and 498¾ Cases of Canned Shrimp. Consent decrees of condemnation. Product released under bond for separation and destruction of decomposed portions. (F. & D. nos. 31718, 31822. Sample nos. 50476-A, 50483-A.)

These cases involved shipments of canned shrimp that was in part decomposed.

On December 13, 1933, and January 8, 1934, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 861¾ cases of canned shrimp at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about September 11 and September 19, 1933, by the Crawford Packing Co., from Palacios, Tex., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Crawford's Texas Shrimp Packed by Crawford Packing Co. Palacios, Texas."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On March 31, 1934, the Crawford Packing Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$4,000, conditioned in part that the decomposed portion be separated from the good portion and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22064. Adulteration of butter. U. S. v. Armour & Co. (Armour Creameries). Plea of guilty. Fine, \$100. (F. & D. no. 31344. Sample nos. 31033-A, 31035-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On February 19, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation trading as Armour Creameries, at Pocatello, Idaho, alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 26, 1932, from the State of Idaho into the State of Washington, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined by the act of Congress of March 4, 1923, which the article purported to be.

On March 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*